

FEB-06-2006 14:54

O'MELVENY & MYERS

P. 02/05

O'MELVENY & MYERS LLP

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February 6, 2006

MAIL STOP 16 (571) 273-6500

Ms. Freda Connelly
U.S. Patent and Trademark Office
Refund Department
P.O. Box 1450
Alexandria, VA 22313-1450

OUR FILE NUMBER
600000-10

WRITER'S DIRECT DIAL
213-430-6183

WRITER'S E-MAIL ADDRESS
mchua@omm.com

Re: *Request For Refund*
Statement Dated: January 2006 Statement
Deposit Account No. 50-0639

Dear Ms. Connelly:

Enclosed is the January 2006 Deposit Account Statement. Please note our account was charged \$100.00 on January 20, 2006 under sequence number 1; for claims fees. Our records show that this matter has long been abandoned; thus, our firm no longer represent this client. There is no doubt this case may have been represented by another company and did the filing and PTO erroneously debited our account. For your reference, attached please find a Notice of Abandonment issued by the U.S. Patent Office dated January 26, 2005. In this regard, it would be appreciated if you could please immediately refund our account number 50-0639 for \$100.00.

Should you have any questions, please contact the undersigned by telephone at: 213-430-6267 or fax at: 213-430-6407.

Sincerely,

Maria Zita A. Chua
Maria Zita A. Chua
O'MELVENY & MYERS LLP

mac
Enclosures

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P.03/05

01/13 582 10328154	681331-125	1251	\$120.00	\$9,002.74
01/17 44 78729937	212402-009	8521	\$40.00	\$8,982.74
01/17 78 11300135	212402-009	8021	\$80.00	\$8,882.74
01/17 102 78425703	499,888-1	7004	\$150.00	\$8,732.74
01/17 162 78578709		8521	\$40.00	\$8,692.74
01/17 163 76578709		8522	\$825.00	\$7,867.74
01/17 167 78619824		8521	\$40.00	\$7,827.74
01/17 168 78619824		8522	\$25.00	\$7,802.74
01/18 5 09500839		8021	\$400.00	\$7,402.74
01/18 56 PAYMENT		9203	\$4,980.00	\$12,382.74
01/18 1030 78343629	198,680-3	7004	\$150.00	\$12,232.74
01/19 4 PCT/US05/40168 603915-041		1602	\$1,000.00	\$13,232.74
01/19 5 PCT/US05/40168 603915-041		1603	\$300.00	\$12,932.74
01/20 1 10052758	475635-1	2201	\$100.00	\$12,832.74
01/20 83 11084766	3813331-238; -240	8007	\$40.00	\$12,792.74
01/20 155 2208705		8521	\$40.00	\$12,752.74
01/20 156 2208705		8522	\$675.00	\$12,077.74
01/20 158 2208705		8521	\$40.00	\$12,037.74
01/20 159 2208705		8522	\$675.00	\$11,362.74
01/26 242 0167680399	681331-125	8014	\$25.00	\$11,337.74
01/26 1 78533281	170446-958	7001	\$670.00	\$12,007.74
01/26 2 78533281	170446-958	6001	\$335.00	\$11,672.74
01/26 3 78976710		8001	\$335.00	\$11,337.74
01/26 8 10444278	813137-156	1801	\$780.00	\$10,547.74
01/26 9 10444278	813137-158	1253	\$1,020.00	\$9,527.74
01/30 17 76479585	510685-017	7402	\$300.00	\$9,227.74
01/30 18 76479575	510685-017	7402	\$300.00	\$8,927.74

START
BALANCE
\$8,587.74

SUM OF
CHARGES
\$11,435.00

SUM OF
REPLENISH
\$11,795.00

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\$8,927.74

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
104032,758	01/18/2002	Nicholas deBeor	876615-1	1588

7590 01/24/2003
Brian M. Berliner
O'MELVENY & MYERS LLP
400 South Hope Street
Los Angeles, CA 90071-2899

EXAMINER
BARRETT, THOMAS C

ART ID# 1733 PAPER NUMBER

DATE MAILED: 01/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Notice of Abandonment

Application No.

10/052,758

Applicant(s)

DEBEER ET AL.

Examiner

Art. Unit

Thomas C. Barrett

3738

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-

This application is abandoned in view of

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 09 July 2004.
- (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
- (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
- (d) ☒ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
- (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due. The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
- (c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
- (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
- (b) ☐ No corrected drawings have been received.

4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☐ The reason(s) below:




CORINNE McDERMOTT
SUPERVISOR, PAT EXAMINER
TECHNICAL CENTER 3700

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.
U.S. Patent and Trademark Office
PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 012405

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FACSIMILE (213) 430-6407

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DATE & TIME:

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TO:

Ms. Freda Connelly
Director of the U.S. Patents &
Trademarks Office, Refund Dept.
P.O. Box 1450
Alexandria, VA 22313-1450

FAX NUMBER:

(571) 273-6500

TELEPHONE NUMBER:

(571) 272-6322

FROM:

Maria Chua

RETURN FAX NUMBER:

213-430-6407

TELEPHONE NUMBER:

213-430-6267

MESSAGE

Re: Our Deposit Account No. 50-0639

Dear Ms. Connelly,

Please see attached letter regarding our USPTO Deposit Account Statement for January 2006. I would appreciate your assistance to this request.

Thanks and regards,

Maria Chua
Maria Chua

IF YOU DID NOT RECEIVE ALL PAGES, PLEASE CALL THE FAX DEPARTMENT AT (213) 430-6357

FILE NO.: 600,000-10
USER NO.: 11700
RESPONSIBLE ATTY NAME: Brian M. Berliner
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EXTENSION: 6267
LOCATION: 11S-2

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